

REMARKS

Claims 12-20 are either copied verbatim or substantially copied from U.S. Patent No. 6,478,804 issued to Vargas et al. (hereinafter the "Vargas Patent"), granted November 12, 2002.

Claim 12 corresponds with the Vargas Patent's claim 1 but has been broadened slightly in accordance with Applicant's disclosure. Claims 13-18 and 20 correspond to the Vargas Patent's claims 1, 3, 8, 12, 13, 14, and 34, respectively. Claim 19 corresponds with the Vargas Patent's claim 34 but has been broadened. In accordance with 37 C.F.R. § 1.607(a), the copied claims may be specifically applied to Applicant's disclosure in the above-referenced patent application as follows:

<u>Copied Claim</u>	<u>Applicant's Disclosure</u>
12. An anastomosis system for connecting a graft vessel to a target vessel, the graft vessel and the target vessel each having a lumen, the anastomosis system comprising: an anvil having staple bending features defined thereon and an incising element connected thereto; a plurality of staples, each staple configured to engage at least one of the staple bending features; and a staple holder in which the staples are held, said staple holder moveable relative to the anvil.	passim e.g., page 39, ¶150; page 49, ¶186; FIGS. 3B-3D, 13, 14, 15C-J, and accompanying disclosure e.g., page 39, ¶150; page 49, ¶186; FIGS. 9B, 13, 14, 15D-J, and accompanying disclosure e.g., FIGS. 8, 9A-C, 10-14, 15C-K, 20, and accompanying disclosure

<p>13. An anastomosis system for connecting a graft vessel to a target vessel, the graft vessel and the target vessel each having a lumen, the anastomosis system comprising:</p> <p>an elongated anvil having staple bending features defined thereon and an incising element connected thereto;</p> <p>a plurality of staples, each staple configured to engage at least one of the staple bending features; and</p> <p>a staple holder in which the staples are held, said staple holder moveable relative to the anvil.</p>	<p>passim</p> <p>e.g., page 39, ¶150; page 49, ¶186; FIGS. 3B-3D, 7B, 13, 14, 15C-J, and accompanying disclosure</p> <p>e.g., page 39, ¶150; page 49, ¶186; FIGS. 9B, 13, 14, 15D-J, and accompanying disclosure</p> <p>e.g., FIGS. 8, 9A-C, 10-14, 15C-K, 20, and accompanying disclosure</p>
<p>14. The anastomosis system of claim 13, wherein the at least one staple comprises a plurality of U-shaped staples.</p>	<p>e.g., FIGS. 8, 9A-9B, 13-14, 15D-16F, 20, and accompanying disclosure</p>
<p>15. The anastomosis system of claim 13, wherein each of the plurality of staples comprises a staple body and a plurality of tissue puncturing staple ends extending from the staple body and configured to be received by the staple bending features.</p>	<p>e.g., page 39, ¶150; page 49, ¶186; FIGS. 8, 9A-9B, 13-14, 15D-16F, 20, and accompanying disclosure</p>
<p>16. The anastomosis system of claim 13, wherein the staple bending features each include a plurality of recesses.</p>	<p>e.g., FIGS. 3B, 9B, 14, and accompanying disclosure</p>
<p>17. The anastomosis system of claim 13, wherein the staple bending features are grooves extending along the elongated anvil.</p>	<p>e.g., FIG. 3B and accompanying disclosure</p>
<p>18. The anastomosis system of claim 13, wherein said incising element is movable relative to said anvil.</p>	<p>e.g., page 55, ¶ 201; FIGS. 10, 12-14, 15C-15J, and accompanying disclosure</p>

<p>19. A method of performing anastomosis between a graft vessel and a target vessel, comprising:</p> <p>placing the end of a graft vessel against the side of a target vessel at a first location;</p> <p>inserting an anvil through the wall of the target vessel at a second location; and</p> <p>deploying a plurality of connectors to secure the graft vessel to the target vessel.</p>	<p>passim</p> <p>passim, e.g., page 29, ¶83; FIGS. 15D-15L, 17C, 17F-17K, 18, 20, 21, and accompanying disclosure</p> <p>e.g., page 28, ¶81-¶82, page 36, ¶143 through page 38, ¶147; FIG. 1</p> <p>e.g., page 57, ¶210 through page 58, ¶214; FIGS. 15E-15L, 17C, 17F-17K, 20, and accompanying disclosure</p>
<p>20. A method of performing anastomosis between a graft vessel and a target vessel, comprising:</p> <p>placing the end of a graft vessel against the side of a target vessel at a first location;</p> <p>inserting an elongated anvil through the wall of the target vessel at a second location, said second location upstream from said first location; and</p> <p>deploying a plurality of connectors to secure the graft vessel to the target vessel.</p>	<p>passim</p> <p>passim, e.g., page 29, ¶83; FIGS. 15D-15L, 17C, 17F-17K, 18, 20, 21, and accompanying disclosure</p> <p>e.g., page 28, ¶81-¶82, page 36, ¶143 through page 38, ¶147; FIG. 1</p> <p>e.g., page 57, ¶210 through page 58, ¶214; FIGS. 15E-15L, 17C, 17F-17K, 20, and accompanying disclosure</p>

Where the claims presented in this document differ from those of the Vargas Patent they do so to correct what appear to be errors in the claims of the Vargas Patent. Applicants invention as recited in the new copied or substantially copied claims 12-20 and that of the Vargas Patent are therefore drawn to the same patentable invention, as defined in 37 C.F.R. § 1.601(n).

Pursuant to 37 C.F.R. § 1.607(a)(2), Applicant "presents" the following proposed count 1 and count 2:

1. An anastomosis system for connecting a graft vessel to a target vessel, the graft vessel and the target vessel each having a lumen, the anastomosis system comprising:

an anvil having staple bending features defined thereon and an incising element connected thereto;

a plurality of staples, each staple configured to engage at least one of the staple bending features; and

a staple holder in which the staples are held, said staple holder moveable relative to the anvil.

2. A method of performing anastomosis between a graft vessel and a target vessel, comprising:

placing the end of a graft vessel against the side of a target vessel at a first location;

inserting an anvil through the wall of the target vessel at a second location; and

deploying a plurality of connectors to secure the graft vessel to the target vessel.

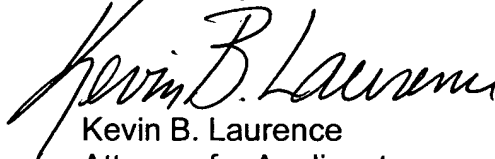
Applicant submits that proposed count 1 corresponds to the Vargas Patent's claims 1, 3, 8, 12, 13, and 14, and to Applicant's claims 12-18. Applicant submits that

proposed count 2 corresponds to the Vargas Application's claim 34 and to Applicant's claims 19 and 20. The claims of the Vargas Patent that are not referred to were not copied because Applicant lacked support for them in its disclosure. However, each such claim is an obvious variation of the proposed counts.

The requirements of 35 U.S.C. § 135(b) have been met since this amendment is being before one year after issuance of the Vargas Patent (November 12, 2002).

DATED this 12TH day of NOVEMBER 2003.

Respectfully submitted,

A handwritten signature in black ink, reading "Kevin B. Laurence". The signature is fluid and cursive, with the first name "Kevin" being more prominent.

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